

## **REMARKS**

### **I. Status of Claims**

Claims 1-10 are pending in the application. Claim 1 is the only independent claim. Without waiving any argument, and to facilitate prosecution, Applicant amends claims 1, 3, 4 and 7. Support for the amendment to claim 1 may be found in FIG. 2 and corresponding descriptions originally filed (*See e.g.*, [0036], [0037], [0050], and [0053] of the application as published). No new matter is introduced. Claim 2 has been cancelled without prejudice.

Claims 6 and 10 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-10 stand rejected under 35 USC 101 as allegedly being directed to non-statutory subject matter.

Claims 1-10 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Garback (USP 5,237,499) (“Garback”).

The Applicant respectfully requests reconsideration of these rejections in view of the foregoing amendments and the following remarks.

### **II. Applicant's Statement of Substance of Examiner Interviews**

In compliance with M.P.E.P. 713.04, the Applicant provides this Statement of Substance of Interview concerning the interview conducted on August 9, 2010 with Examiner Nguyen and the Applicant's representatives Xiaomin Huang.

- (A) Exhibits. N/A.
- (B) Claim(s). 1.
- (C) References Discussed. Garback.
- (D) Amendments. N/A
- (E) Principal arguments of Applicant. The Applicant argued that the Section 112 rejection was improper because support for the claim elements is found in the specification and that the claims are to a schedule-set-up management system and meet the requirements of Section 101. The Applicant also argued that Garback did not disclose or suggest the frame preparing means of the pending claims.

(F) Other matters. N/A

(G) Results. No agreement was reached concerning the rejections of the claims.

Also, during the period of August 9-24, 2010, the Applicants' representatives, Shawn W. O'Dowd and Xiaomin Huang have discussed the case with SPE Thomas Black. During these discussions, the Applicants' representatives presented the above amendments in draft form and discussed how the claims address the 112 and 101 rejections, and how Garback does not show selection of a basic frame from a plurality of basic frame patterns and that the selected basic frame includes a chronological sequence of events and types of intermediate and final locations in the desired destination area as recited in the claims. SPE Black indicated, preliminarily, that the proposed amendments would remove that 112 and 101 rejections as well as the 103 rejection based on the Garback reference.

### **III. 35 USC Section 112, Second Paragraph Rejections**

The Office Action rejects claims 6 and 10 that stating that the claims fail to distinctly claim the present invention. In particular, the Office Action states that there is no further component limitation in the claims. This is improper, since there is no requirement in the MPEP that a dependent claim include a "further component limitation." Prior to the amendment of claim 1, Applicant contends that claims 6 and 10 are proper dependent claims in that they further narrow the scope of claim 1, which was not rejected under 35 USC 112, second paragraph. Nonetheless, in view of the amendments to claim 1, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 6 and 10 under 35 USC 112, second paragraph.

### **IV. 35 USC 101 Rejections**

Claims 1-10 were rejected under 35 USC 101 as being directed to non-statutory subject matter. In particular, the Office Action points to the means-plus-function language of claim 1 and states that since it may be interpreted to cover a computer processor executing computer readable instructions, it lacks a physical structure is therefore unpatentable. Applicant does not concede this point, and it appears that the Board of Patent Appeals and Interferences has reach an opposite conclusion (see, e.g., *Ex Parte Verhaegh*, pp. 13-14, Appeal 2009-000128, BPAI 2009).

Nonetheless, at the suggestion of the Office, claims 1, 3, 4, and 7 have been amended to convert some of the means plus function limitations in the claims to include more structural limitations. In view of the amendments, reconsideration and withdrawal of the rejection of claims 1-10 under 35 USC 101 is respectfully requested.

#### **V. 35 USC 103 Rejections**

Claims 1-10 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,237,499 to Garback (“Garback”). This rejection is traversed. According to an embodiment of the present invention, a schedule-set-up management system is provided that can prepare a chronological travel plan based on entered destination area information and time frame information. The system can select a basic frame from a plurality of basic frame patterns where the basic frame is for visiting the desired destination area in the desired time frame and includes a chronological sequence of events and types of intermediate and final locations in the desired destination area. Figure 10 clearly shows an example of a basic frame according to the present invention. By retrieving specific facilities that fit this basic frame, a schedule can be prepared for a user for use in the destination area.

Garback discloses a computer travel planning system for airline travel. Much like current systems for booking airline travel, Garback allows a user to select (see Fig. 3) a departure city, as well as date and time of the departure flight and the return flight. The system in Garback then provides options for the flight and when flights are selected, a final schedule can be shown, such as provided in Fig. 4. Garback does not show selecting a basic frame from a plurality of predetermined basic frame patterns as recited in claim 1. Since such is not shown or even remotely suggested, it cannot be said that that Garback teaches or suggests that a basic frame includes a schedule including a chronological sequence of events and types of intermediate and final locations in the desired destination area as recited in claim 1. Though Garback shows the development of a schedule, Garback does not pertain to creating a schedule of events and locations in a desired destination area as clearly recited in the claims.

In view of the above, reconsideration and withdrawal of the rejection of independent claim 1 and dependent claims 3-10 under 35 USC 103(a) is respectfully requested.

## **VI. Conclusion**

In light of the above discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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